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WHAT IS HAPPENING IN CALIFORNIA AGRICULTURE

For some months, thoughtful Californians have been reading in their local newspapers -- and even in national publications, such as Time, the Wall Street Journal, and the New York Times -- about "unrest" among the wage workers in California agriculture. The news stories have told of strikes, picketing, injunctions, suits, and countersuits. Some stories have been favorable to the viewpoints of agricultural employers, and have yielded the impression that this viewpoint should and will prevail. Other stories have inclined toward sympathy for the farm laborers' position, and have suggested that the organizational efforts of farm workers are meeting with general success.

Faced with claims and counter-claims, partial information, and facts without perspective, thoughtful Californians are asking questions: what are the real issues? who is winning? what are the prospects for the foreseeable future? what is really happening in California agriculture? Let us here review briefly the facts themselves, and then attempt to interpret them as space permits.

(1) Prior to this year, the largest number of farm labor disputes recorded in any state in a single year was 31, in California in 1933. Already this year, there have been 69 work stoppages in California agriculture serious enough to be certified by the State Department of Employment as bona fide labor disputes.[1]

(2) The principal issue in almost all these strikes has been wages. Generally speaking, the workers have asked for $1.25 an hour, or a piece-rate scale which yielded a comparable amount to a diligent and experienced

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1 The number of workers involved, however, has been small by comparison with the massive strikes of the 1930's. For example, 48,005 workers were involved in California's 31 farm labor strikes in 1933. Probably fewer than 10% of that number have been directly involved in the strikes this year.

worker. Other issues in dispute, usually marginally, have included job rights, drinking water and sanitary facilities, conditions of work (ladders, etc.), and the role of labor contractors.

(3) In all but a handful of these disputes, settlements have been negotiated within a matter of days, and harvesting has proceeded. There has been some crop loss in two San Joaquin County cherry orchards, and one Butte County peach orchard, in which growers declined to negotiate with worker representatives.

(4) Officials of the U.S. Department of Labor and the California Department of Employment have, throughout this season, generally enforced the letter of two laws which apply to labor disputes in agriculture. The first is an International Agreement between the United States and Mexico which specifies that no bracero (Mexican National contract worker) "shall be used to fill any job which the Secretary of Labor finds is vacant because the occupant is out on strike or locked out in the course of a labor dispute."

The second law which has assumed key importance in California agriculture is the Wagner-Peyser Act, one of the first pieces of legislation enacted by the New Deal Congress in 1933. The Wagner-Peyser Act created a national system of public employment offices. Section 602.2(b) contains the following language:

> No person shall be referred to a position the filling of which will aid directly or indirectly in filling a job which (1) is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or (2) the filling of which is an issue in a labor dispute.

Irving Perluss, State Director of Employment, has taken the position that this language applies to labor disputes in agriculture as in any other industry, and that his Department is thereby forbidden to refer job applicants to ranches involved in strikes or lockouts. Mr. Perluss has been supported in this position by representatives of the U.S. Department of Labor, ~~up to and~~ including the Secretary of Labor, James P. Mitchell.

(5) Growers have sought relief from these administrative rulings in local courts. The DiGiorgio Fruit Corporation has obtained a court order from a Superior Judge in Marysville requiring the local office of the State Department of Employment to refer workers to DiGiorgio's struck ranches -- despite the provisions of the Wagner-Peyser Act. A grower in Butte County has obtained a similar order from a judge in Oroville. Attorneys for the State Department of Employment have appealed to higher courts, and at the time of this writing the matter is awaiting action in Federal District Court. In the meantime, the disputed restraining orders remain in effect.

(6) A number of growers have secured injunctions limiting workers' use of picketing. One of the largest tomato growers in San Joaquin County has obtained an injunction forbidding picketing altogether.

These events may, of course, be interpreted in a number of different ways. The following comments are offered here.

(1) The fact there have been a large number of strikes this year should not be taken to mean the Agricultural Workers Organizing Committee regards the strike as its only, or even as its principal, tactic. The AWOC, like every responsible labor organization, uses the strike only with regret and as a last resort. A strike is, in effect, a confession that preferable methods of collective bargaining have failed. Whatever growers' representatives may claim, the objective of the AWOC is not to stir up trouble, but quite the opposite: to develop an orderly an systematic framework for collective bargaining.

(2) 99% of the growers in areas of AWOC activity -- representing many different crops -- have demonstrated their ability to pay wages of $1.25 per hour. This rather undercuts the position of Associated Farmers, Inc., the California Farm Bureau Federation, and other grower spokesmen

who have repeatedly testified publicly that California's farmers would ~~xxxx xx~~ go out of business en masse if they had to pay a minimum wage of as much as 90¢ an hour.

(3) Although scores, and even hundreds, of growers have settled disputes by de facto negotiations with workers' representatives, they have pointedly refused to acknowledge that these negotiations were in fact a form of collective bargaining. This suggests a concerted strategy on the part of California's agricultural employers, including (a) the premise that normal industrial relations have no/permanent place in the industry of agriculture, although for the moment they may be admitted by the back door; (b) the hope that if wage demands are met, but union recognition is withheld, the organizing drive will lose its impetus and will eventually disappear. This strategy of "buying time" ~~wxxxx~~ might well have been successful during farm labor campaigns of the past, which were essentially self-starting and self-sustaining, operated on a virtual shoestring. The AWOC, however, represents a genuine commitment on the part of the National AFL-CIO to organize America's last great unorganized industry, and it is doubtful/in the extreme that the strategy of the growers' ~~xxxxxxxxxxxx~~ associations will result in AWOC's disappearance.

(4) The two Directors of Employment under Governor Brown's administration -- John Carr and Irving Perluss -- have taken seriously the laws which say, in effect, that tax-supported agencies shall not be used in the recruitment or placement of strikebreakers. Growers' representatives complain that, in doing so, Mr. Carr and Mr. Perluss have allied themselves with AWOC and are forcing the unionization of California agriculture. Such is not the case. At no time this year has the State Departmentof Employment done anything more than uphold the law as it is written. The reason ~~xxxxxxxxx~~ growers' groups are distressed is that they have lost the unchallenged control they exercised over the Department of Employment's farm placement activities during the Warren and Knight administrations. For a period of at least eleven years, tax-supported

agencies were used in the recruitment and referral of strikebreakers to the agricultural industry.

It is understandable that ~~agricultural employers~~ growers are now experiencing some difficulty in adjusting to an objective interpretation of the Wagner-Peyser Act and the U.S.-Mexico International Agreement.

(5) Judges in several rural counties have, in effect, ruled that the laws do not mean what they say -- when it comes to agriculture. It is difficult to see how this position can be sustained in the face of the unqualified language of the laws themselves. But the farm labor issue is apparently not being resolved on its surface merits, but on the basis of assumptions which are difficult to prove or disprove. Those who would rewrite the Wagner-Peyser Act in the courts evidently assume that the U.S. Congress, in 1933, did not intend the law should apply to agricultural workers. The assumption seems to be that only through an oversight did Congress fail to provide an agricultural exclusion. Agricultural employers and their partisans point to the fact that farm workers have been excluded from the National Labor Relations Act, the Fair Labor Standards Act, unemployment insurance legislation, and other social legislation. This exclusion, they say, represents the true will of the U.S. Congress. This, they say, embodies the public policy of the country: farm labor is, and must in the nature of things remain, unequal.

We are brought, at this point, to the nub of what is happening in California agriculture. The long-standing assumption that the industry of agriculture is inherently unique, and cannot function under the same rules as other industries, is for the first time in history being called into serious question. Controversies over wages, hours, drinking water, sanitation, labor contractors, and working conditions, are only peripheral to the core issue. The central issue is whether, in our society in the year 1960, the right of workers to

organize in their own behalf is a universal and indivisible right -- a civil right as basic as any other in a free society. Dedicated, articulate, well-organized, well-financed, and powerful interests say it is not: that workers cannot be allowed to exercise this right in the industry of agriculture. Other equally dedicated, and increasingly articulate, well-organized, well-financed, and powerful interests say that a civil right denied to any group becomes a civil sickness rather than a right. Farm workers and their friends maintain that the exclusions in the National Labor Relations Act and other basic social legislation are economically damaging to all of society, morally untenable, and very probably unconstitutional. It remains to be seen which side is the more dedicated, articulate, organized, and powerful.

Clearly, the uncertainties of the past growing season will have to be resolved in one direction or the other. Some better defined public policy toward farm labor will have to be established. Agricultural employers will certainly try to close what they regard as loopholes in existing legislation. For example, they will almost certainly attempt to make it illegal, for all practical purposes, for farm workers to act in concert in withholding their labor for other purposes. Understandably enough, growers are anxious to preserve what Carey McWilliams has called their "dream of heaven: a labor supply which automatically arrives when it is needed, in whatever numbers are demanded, works without complaint for whatever wages are offered and under whatever conditions, and leaves promptly upon completion of the job, to reappear automatically the following year. California agriculturists have lived this dream for generations, through preferential legislation, and one form of disadvantaged or alien contract labor after another. If, through legislative and judicial action, growers are able to perpetuate the semblance of this dream, Norman

Smith, Director of the Agricultural Workers Organizing Committee, has publicly stated, "We will just have to go right ahead, doing what we have been doing, breaking the laws if they force that upon us."

On the other hand, agricultural employers may fail in their effort to impose their assumptions from the 1930's upon the 1960's. State and national legislative bodies, rather than extending present discriminations against agricultural workers, may begin removing some of these discriminations. The higher courts may uphold Mr. Perluss and rule that the Wagner-Peyser Act actually means what it says. Administrative agencies may continue to pursue their relatively vigorous enforcement policies of the past year. If so, given the continued commitment of the AFL-CIO, it will be only a matter of time until an orderly system of labor-management relations is established in agriculture. Contracts will be drawn in advance of the season between growers' associations and the farm workers' union. Seasonal employment will be obtained through a hiring hall, as is done in other casual industries today, rather than through catch-as-catch-can "shape-ups."

Such modifications in farm labor relations would carry with them other fundamental and far-reaching changes. Improvements in wages and working conditions would attract newcomers to the farm labor market -- reliable and responsible workers -- and would remove the last vestigial excuses for "supplemental" foreign contract labor. Child labor would disappear as it became possible for breadwinners to support their families on their own earnings. Year-around work plans would be developed which would greatly reduce migrancy and its attendant evils. The pressure of organized labor would force growers themselves to organize for more effective dealings with canneries, packing houses, chain stores, wholesalers, and their other major customers.

Perhaps most important of all, the stabilization of the farm labor market would bring with it increased social and political participation by

agricultural workers. When people escape from second-class economic citizenship, they are unlikely to be content with second-class citizenship in education, housing, social welfare, or politics. Up to this time, it is probable that not more than one-tenth of California's 400,000 agricultural workers or their dependents have voted. As they become eligible, are registered, and exercise their franchise, they will hold a clear balance of power in most of California's 58 counties. We need not dwell here upon the implications for the future composition of the State legislature or the future careers of elected officials.

What is happening in California agriculture? The answer may be put very briefly. A bloodless revolution is taking place: workers in our largest and most important industry are demanding, and are gradually securing, the right to organize and to bargain collectively with their employers through representatives of their own choosing. From this form of self-awareness and self-expression, others will follow. It is doubtful that this movement can be stopped. Nor should it be stopped. For society as a whole is ultimately the principal beneficiary when its people come into their due inheritance as participating citizens and creative human beings.

Addendum:

It is conservatively estimated that AWOC raised cherry pickers' income $500,000 this year; apricot pickers, $150,000; peach pickers, $2,000,000; and hourly workers in other crops, $1,000,000.

H.P.A.